

RESOLUTION NO. A-_____

USE PERMIT NO. 04005

1 WHEREAS, RLM, LLC has submitted an application in accordance with Section
2 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04005 for authority to
3 construct 38 dwelling units and 10,000 square feet of office space with requests to waive the
4 Land Subdivision Ordinance, Zoning Code and Design Standards to reduce required side yard
5 and rear yard setbacks, and minimum street frontage, to allow a variance for the installation of
6 sanitary sewer, and to waive the filing of a preliminary plat, on property generally located at
7 N.W. 1st Street, and legally described to wit:

8 Lot 1, Highlands East 8th Addition, Lincoln, Lancaster County,
9 Nebraska;

10 WHEREAS, the real property adjacent to the area included within the site plan
11 for this development of 38 dwelling units and 10,000 square feet of office space will not be
12 adversely affected; and

13 WHEREAS, said site plan together with the terms and conditions hereinafter set
14 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
15 promote the public health, safety, and general welfare.

16 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
17 Lincoln, Nebraska:

18 That the application of RLM, LLC. hereinafter referred to as "Permittee", to
19 construct 38 dwelling units and 10,000 square feet of office space on the property legally
20 described above be and the same is hereby granted under the provisions of Section 27.27.080
21 of the Lincoln Municipal Code upon condition that construction and operation of said
22 development be in strict compliance with said application, the site plan, and the following
23 additional express terms, conditions, and requirements:

1. This permit approves 38 dwelling units and 10,000 square feet of office space.
2. The following waivers to the Zoning Code, Land Subdivision Ordinance and Design Standards are approved:
 - a. The requirements of the sanitary sewer design standards are amended to allow sewer to flow opposite street grades at the south end of W. Hampshire Lane provided that minimum and/or maximum sewer depths are not violated.
 - b. A reduction of the required side yard setback from 15 feet to 7.5 feet.
 - c. A reduction of the required rear yard setback from 40 feet to 30 feet.
 - d. A reduction of the required minimum street frontage for single-family attached lots from 50 feet to 20 feet.
 - e. The requirement of Lincoln Municipal Code § 26.11.020 that a preliminary plat is required for a subdivision is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter.
3. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including 6 copies.
 - b. The Permittee shall grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District.
 - c. The construction plans must conform to the approved plans.
 - d. Final Plats will be approved by the Planning Director after:
 - i. The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the Permittee has submitted a bond or an escrow of security agreement to guarantee their completion.
 - ii. The Permittee has signed an agreement that binds the Permittee, its successors and assigns:

- (1) to complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadway shown on the final plat within two (2) years following the approval of this final plat.
- (2) to complete the installation of sidewalks along both sides of all interior private roadways and streets abutting the use permit as shown on the final plat within four (4) years following the approval of this final plat.
- (3) to construct the sidewalk in the pedestrian way easement in Lots 10 and 11, Block 1 at the same time as W. Hampshire Lane (to be renamed) is paved and to agree that no building permit shall be issued for construction on Lots 10 and 11, Block 1 until such time as the sidewalk in the pedestrian way easement is constructed.
- (4) to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.
- (5) to complete the public wastewater collection system to serve this plat within two (2) years following the approval of this final plat.
- (6) to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.
- (7) to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.
- (8) to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat.
- (9) to complete the installation of public and private street lights along the streets within this plat within two (2) years following the approval of this final plat.

- (10) to complete the planting of the street trees along the streets within this plat within four (4) years following the approval of this final plat.
- (11) to complete the planting of the landscape screen within this plat within two (2) years following the approval of this final plat.
- (12) to complete the installation of the street name signs within two (2) years following the approval of this final plat.
- (13) to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- (14) to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- (15) to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- (16) to complete the public and private improvements shown on the preliminary plat and Use Permit.
- (17) to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the Permittee may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The Permittee shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- (18) to continuously and regularly maintain the street trees along the private roadways and landscape screens.

- 1 (19) to submit to the lot buyers and builders a copy of
2 the soil analysis.
- 3 (20) to pay all design, engineering, labor, material,
4 inspection, and other improvement costs.
- 5 (21) to comply with the provisions of the Land
6 Preparation and Grading requirements of the Land
7 Subdivision Ordinance.
- 8 (22) to perpetually maintain the sidewalks in the
9 pedestrian way easements on Lots 10 and 11,
10 Block 1 at their own cost and expense.
- 11 (23) to properly and continuously maintain and
12 supervise the private facilities which have common
13 use or benefit, and to recognize that there may be
14 additional maintenance issues or costs associated
15 with providing for the proper functioning of storm
16 water detention/retention facilities as they were
17 designed and constructed within the development,
18 and that these are the responsibility of the land
19 owner.
- 20 (24) to relinquish the right of direct vehicular access
21 from Outlot A to NW 1st Street.
- 22 (25) to inform all prospective purchasers and users that
23 the land is located within the Airport Environs Noise
24 District, that the land is subject to an aviation and
25 noise easement granted to Lincoln Airport
26 Authority, and that the land is potentially subject to
27 aircraft noise levels which may affect users of the
28 property and interfere with its use.

29 4. Before occupying the dwelling units all development and construction
30 shall have been completed in compliance with the approved plans.

31 5. All privately-owned improvements shall be permanently maintained by the
32 owner or an appropriately established homeowners association approved by the City Attorney.

33 6. The site plan accompanying this permit shall be the basis for all
34 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
35 elements, and similar matters.

1 7. The terms, conditions, and requirements of this resolution shall be
2 binding and obligatory upon the Permittee, its successors, and assigns. The building official
3 shall report violations to the City Council which may revoke the special permit or take such
4 other action as may be necessary to gain compliance.

5 8. The applicant shall sign and return the letter of acceptance to the City
6 Clerk within 30 days following the approval of the special permit, provided, however, said 30-
7 day period may be extended up to six months by administrative amendment. The City Clerk
8 shall file a copy of the resolution approving the special permit and the letter of acceptance with
9 the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

10 9. The site plan as approved with this resolution voids and supersedes all
11 previously approved site plans, however all resolutions approving previous permits remain in
12 force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor